



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

June 11, 2019

OFFICE OF
AIR AND RADIATION

Mr. Austin R. Evers
American Oversight
1030 15th Street, Suite B255
Washington, D.C. 20005

Re: Freedom of Information Act Request No. EPA-HQ-2019-005602

Dear Mr. Evers:

This letter concerns the above-referenced Freedom of Information Act (FOIA) request, received by the U.S. Environmental Protection Agency (EPA or Agency) on May 8, 2019, in which you requested the following: *"All email communications (including emails, email attachments, and calendar invitations) between (1) any political appointee* within the Office of Air and Radiation (OAR) and (2) any of the following entities, including emails on which any relevant custodian and/or entity was copied (cc'd) or blind copied (bcc'd): a. National Mining Association (@nma.org) b. Peabody Energy (@PeabodyEnergy.com) c. Murray Energy (@murray-energy.com, @coalsource.com, @murrayenergycorp.com) d. Arch Coal (@archcoal.com) e. Cloud Peak Energy (@cldpk.com) f. Alpha Natural Resources (@conturaenergy.com) g. Southern Company (@southernco.com) h. American Electric Power (@aep.com.) i. Duke Energy Corp (@duke-energy.com) j. Ameren Corporation (@ameren.com) k. Luminant (@Luminant.com) l. FirstEnergy (@firstenergycorp.com. For this request, American Oversight requests that EPA limit its search to communications containing any of the following terms: a. MATS b. Mercury and Air Toxics Standards c. Michigan v. EPA d. appropriate and necessary e. Co-benefits f. HAP emissions g. Section 112(c) Please provide all responsive records from June 1, 2018 through February 9, 2019."*

The Office of Air and Radiation did not find any records responsive to your request. This letter concludes our response to your request. You may appeal this response by email at hq.foia@epa.gov, through FOIAonline if you are an account holder or by mail to:

National FOIA Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (2310A)
Washington, D.C. 20460

Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1200 Pennsylvania Avenue, NW, William Jefferson Clinton North Building, Room 5315, Washington, DC 20460.

Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals *received* after the 90-calendar-day limit. Appeals received after 5:00 pm EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal."

Additionally, you may seek dispute resolution services from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: email, ogis@nara.gov; telephone, (202) 741-5770 or (877) 684-6448; facsimile (202) 741-5769; or by mail at:

Office of Government Information Services
National Archives and Records Administration, Room 2510
8610 Adelphi Road, College Park, MD 20740-6001

We appreciate your interest in the EPA and our mission to protect public health and the environment. Should you choose to appeal this determination, please be sure to fully address all factors required by EPA's FOIA Regulations, located at 40 C.F.R., Part 2.104.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Shoaff", is positioned above the printed name.

John Shoaff
Director

Office of Air Policy and Program Support